



**CITY PLAN COMMISSION MEETING
1ST FLOOR CITY COUNCIL CHAMBERS
MARCH 10, 2016
1:30P.M.**

MINUTES

The City Plan Commission met at the above place and date.

The meeting was called to order at 1:37 p.m. Commissioner Madrid present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:

Commissioner Perez
Commissioner Desai
Commissioner Bustamante
Commissioner Landeros
Commissioner Madrid
Commissioner Livingston

COMMISSIONERS ABSENT:

Commissioner Brannon
Commissioner Ardivino

AGENDA

Commissioner Landeros read the rules into the record. Kimberly Forsyth, Program Manager for Planning & Inspections, read the revisions to the agenda into the record.

***ACTION:** Motion made by Commissioner Perez, seconded by Commissioner Livingston, and unanimously carried to **APPROVE** the agenda as amended.

AYES: Commissioner Desai, Bustamante, Madrid, Landeros, Perez, and Livingston

NAYS: N/A

ABSTAIN: N/A

ABSENT: Commissioner Brannon, and Ardivino

NOT PRESENT FOR THE VOTE: N/A

Motion passed.

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I. CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Plan Commission on any items that are not on the City Plan Commission Agenda and that are within the jurisdiction of the City Plan Commission. No action shall be taken.

The following persons spoke concerning Items **SUSU15-00080 AND SUSU15-00081**.

- Marilyn Guido noted that she has not had a chance to read the reports because there was not enough time from the time this item was posted but she will be submitting an Open Records Request. She noted that there are a few unanswered questions for this development.
- Judy Ackerman is opposed to more development on the mountains. She submitted a petition with 1200 signatures supporting the preservation of undeveloped land and in opposition of the development.
- Joe Molinar, President of Castner Heights Neighborhood Association, spoke in opposition to this development.

NO ACTION WAS TAKEN.

II. CONSENT AGENDA

THERE WERE NO ITEMS UNDER THE CONSENT AGENDA.

III. REGULAR AGENDA - DISCUSSION AND ACTION:

Subdivision Applications:

SUBDIVISION MAP APPROVAL:

NOTICE TO THE PUBLIC AND APPLICANTS:

The staff report for an agenda item may include conditions, exceptions, or modifications. The Commission's motion to approve an item in accordance with the staff report or with all staff comments means that any modifications, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made. If the Commission does not wish to approve an exception or modification, or require a condition, then the Commission's motion will state which have not been approved, otherwise, the staff report, with all modifications, exceptions and conditions, is approved and the applicant shall comply with all provisions of the staff report.

PUBLIC HEARING Resubdivision Combination:

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| <p>1. SUSU15-00080:</p> <p>Location:</p> <p>Existing Zoning:</p> <p>Property Owner:</p> <p>Representative:</p> <p>District:</p> <p>Staff Contact:</p> | <p>Sierra Del Puente Unit Three – A Replat of a portion of Edgar Park Drive, within Mountain Hills Estates Unit 5, Replat A, and a portion of Section 7, Township 2, Block 81, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas</p> <p>South of Hondo Pass and West of Dyer</p> <p>PMD/R-2 (Planned Mountain Development/Residential)</p> <p>GCGOHL, LLC.</p> <p>Roe Engineering</p> <p>4</p> <p>Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov</p> |
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***ACTION:** Motion made by Commissioner Perez, seconded by Commissioner Livingston, and unanimously carried to **POSTPONE SUSU15-00080 FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF MARCH 25, 2016.**

Motion passed.

1ST MOTION:

***ACTION:** Motion made by Commissioner Perez, seconded by Commissioner Livingston, and unanimously carried to **HEAR ITEMS PZRZ15-00037 AND PZST15-00044 TOGETHER.**

Motion passed.

Michael McElroy, Senior Planner, gave a presentation and noted that the requests are for a rezoning from R-F (Ranch-Farm) to S-D (Special Development) and for a special permit. The rezoning is being considered concurrently with a Special Permit for Infill Development. Since the subject property is less than 1 acre, City Council will be required to waive the 1 acre minimum for the S-D (Special Development) zoning district. Staff received one petition with 271 signatures, 1 phone call, 1 letter, and 7 people spoke in opposition to the rezoning request. Staff recommends approval of both applications.

Ray Mancera, representing Mr. Uresti, concurred with staff's comments on both the rezoning and special permit. He noted that he met with some of the property owners. He noted some reasons why he felt the commission should approve the rezoning and the special development requests.

Art Rubio, Lead Planner, noted that the Transportation Department did not object to the request and they also did not state that a TIA was required because the number of trips were minimal. The Transportation Department did not have any concerns regarding traffic.

Commissioner Madrid asked if there was anyone in the public who wished to speak in favor or against these requests.

There following people spoke concerning the rezoning of this property.

- Alma Puentes spoke in opposition to these requests and noted that mix use projects belong on a high density area and this is a low density area. She noted that these apartments do not maintain the established and residential appearance and landscaping of the area.
- Ramon Ciriza strongly opposes the building of apartments in this area.
- Jeanne Ford opposes both the rezoning request and the infill development.
- Rick Gale expressed safety concerns.
- Karla Espinoza read a letter written by Ms. Ruby Truax into the record. She expressed her concern about security, safety issue, ecstatis's, and quality of life in their community. She noted that privacy is also a big issue. She obtained a petition with 180 signatures of people that are in opposition to these requests.
- Michael Truax spoke in opposition expressing concerns about safety, traffic, and on-site ponding.
- Verna Santillan spoke in opposition to these apartments. She expressed her concern about crime and safety.
- Ruben Santillan asked why Mr. Uresti is not required to have a ponding site. He also spoke in opposition to the rezoning request and expressed safety and traffic concerns.
- John Hogan spoke in opposition and noted that this request does not maintain the established residential appearance.
- Gilbert Melendez spoke in opposition to the rezoning change and expressed his concern about trash flowing down Schwabe Street.

Mr. Mancera presented his rebuttal and noted that they will have a ponding site and will comply with all codes. If sidewalks are required on Mr. Uresti's property, then they will provide sidewalks.

Art Rubio noted that the applicant has revised his application to comply with the parking requirements without having to get a parking reduction through the City Plan Commission.

2ND MOTION:

- **ACTION:** Motion made by Commissioner Perez, seconded by Commissioner Livingston, and unanimously carried to **APPROVE PZRZ15-00037 WITH THE FOLLOWING CONDITIONS: REDUCE THE SETBACKS TO ONE (1) FOOT IN THE SPECIAL DEVELOPMENT,**
- **APPROVE THE SPECIAL DEVELOPMENT PLAN,**
- **LIMIT THE AMOUNT OF UNITS TO 14,**
- **AND WITH THE REQUIREMENT THAT THE DETAILED SITE PLAN COME BACK BEFORE THE CITY PLAN COMMISSION FOR APPROVAL.**

Motion passed.

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PUBLIC HEARING Special Permit Applications:

5. **PZST15-00034:** Tract 3B1, Block 42, Ysleta Grant, City of El Paso, El Paso County, Texas
Location: 216 Emma Way
Zoning: R-4 (Residential)
Request: Special Use Permit to allow for a Group Residential Facility in R-4 (Residential) zone district

Existing Use: Single-family dwelling
Proposed Use: Group Residential Facility
Property Owner: Bertha Patricia Solis
Representative: Vanessa Magdaleno
District: 6
Staff Contact: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov
POSTPONED FROM DECEMBER 17, 2015, JANUARY 28, 2016, AND FEBRUARY 25, 2016

Art Rubio, Lead Planner, noted that this case was initially postponed on December 17, 2015, so that the applicant could secure a Shared Parking Agreement. The applicant has done so and they will be able to meet the parking requirements. The applicant has subsequently removed the request for parking reduction on their application.

Andrew Salloum, Planner, gave a presentation. The applicant is requesting a special permit and detailed site development plan approval to allow for an existing single-family dwelling to be converted to a group residential facility in an R-4 (Residential) district. The development will have to comply with the State and Local Code requirements on group residential facility. A group residential facility is a permitted use in the R-4 (Residential) district. Staff did not receive any communication in support or opposition to the special permit request nor any adverse comments from the reviewing departments. Staff recommends approval of the requests for special permit and detailed site development plan review for group residential facility.

Vanessa Magdaleno, representing the owner, concurred with staff's comments.

Commissioner Madrid asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner Bustamante, seconded by Commissioner Landeros, and unanimously carried to **APPROVE PZRZ15-00034.**

Motion passed.

6. **PZST15-00044:** Portion of Tract 3, Block 6, Christy Tract, City of El Paso, El Paso County, Texas
Location: 8040 Valley View
Zoning: R-F (Ranch-Farm)
Request: Special Permit for Infill Development
Existing Use: Vacant
Proposed Use: Apartments
Property Owner: Jose M. Uresti
Representative: Ray Mancera
District: 7
Staff Contact: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
POSTPONED FROM JANUARY 28, 2016, AND FEBRUARY 25, 2016

1ST MOTION:

***ACTION:** Motion made by Commissioner Perez, seconded by Commissioner Livingston, and unanimously carried to **HEAR ITEMS PZRZ15-00037 AND PZST15-00044 TOGETHER.**

Motion passed.

2ND MOTION:

ACTION: Motion made by Commissioner Perez, seconded by Commissioner Livingston, and unanimously carried to **DENY PZST15-00044.**

Motion passed.

7. **PZST16-00002:** A portion of Lots 1 & 2, Block 109, Morningside Heights, City of El Paso, El Paso County, Texas
Location: 4801 Dyer Street
Zoning: C-4 (Commercial)
Request: Special Permit to allow for a Personal Wireless Service Facility (PWSF) within a one-half mile distance to another PWSF
Existing Use: Motor vehicle repair, major
Proposed Use: Ground-mounted PWSF
Property Owner: Mohammed Farokhnia
Representative: Debra Weiss, Agent, KGI Wireless
District: 2
Staff Contact: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

Andrew Salloum, Planner, gave a presentation and noted that there is a revised staff report for this item. The applicant is requesting a special permit to allow for the placement of a ground-mounted personal wireless service facility (PWSF) on the proposed site within a one-half mile radius of an existing PWSF site as required by El Paso City Code. The antenna and support structure will be camouflaged to resemble a palm tree. The proposed PWSF meets all setback and height requirements for the location in a commercial district. The applicant opted to request a landscape buyout as permitted by the landscaping ordinance for PWSF facilities. Staff did not receive any opposition from any of the reviewing departments but did receive one phone call in opposition to the special permit request expressing health concerns. Staff recommends approval of the special permit for a Personal Wireless Service Facility (PWSF).

Deborah Weiss, Agent for KGI Wireless, concurred with staff's comments.

Commissioner Madrid asked if there was anyone in the public who wished to speak in favor or against this request.

- Nadine Mendoza Peña spoke in opposition to this request and expressed her concern about health issues. She feels they are being targeted because they are low income.

Ms. Weiss noted that the national carriers are putting up more towers because of consumer demand and for safety, not only for police and fire but also for the neighbors.

Karla Nieman, Assistant City Attorney, gave a summary of the authority that the commission has concerning the approval or denial for these type of items.

Commissioner Landeros asked if staff could work with the Legal Department to see if there are any improvements that could be made to the ordinance regarding the regulations of these facilities.

Art Rubio, Lead Planner, clarified that notifications were sent out within the 300 feet of the property in question and noted that the notifications are in English and Spanish.

1ST MOTION:

ACTION: Motion made by Commissioner Perez, seconded by Commissioner Livingston, and carried to **APPROVE PZST16-00002.**

AYES: Commissioner Desai, Bustamante, Madrid, Perez, and Livingston

NAYS: Commissioner Landeros

ABSTAIN: N/A

ABSENT: Commissioner Brannon, and Ardovino

NOT PRESENT FOR THE VOTE: N/A

Motion passed. (5 - 1 vote).

2ND MOTION:

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Perez, and unanimously carried to **ALLOW COMMISSIONER LANDEROS TO SUBMIT A MINORITY REPORT SPECIFICALLY HIGHLIGHTING THE COMMENTS FROM THE CITY ATTORNEY'S OFFICE AS IT RELATES TO THE ORDINANCE THAT THE CITY HAS REGULATING THESE FACILITIES.**

Motion passed.

Other Business:

8. Discussion and action on the City Plan Commission minutes for:
- a. February 11, 2016
 - b. February 25, 2016

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Livingston, and unanimously carried to **APPROVE THE CITY PLAN COMMISSION MINUTES FOR FEBRUARY 11, 2016, AND FEBRUARY 25, 2016.**

Motion passed.

9. Discussion and action on an Ordinance amending Title 21 (SmartCode), Chapter 21.50 (Building Scale Plans), Section 21.50.120 (Signage Standards); and adding Title 21 (SmartCode), Chapter 21.90 (Signage Module), to modify signage standards and to add the SmartCode Signage Module. The penalty is as provided for in Chapter 21.60 of the El Paso City Code."
Staff Contact: Harrison Plourde, (915) 212-1584, plourdeht@elpasotexas.gov

***ACTION:** Motion made by Commissioner Perez, seconded by Commissioner Livingston, and unanimously carried to **DELETE AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 21.50 (BUILDING SCALE PLANS), SECTION 21.50.120 (SIGNAGE STANDARDS); AND ADDING TITLE 21 (SMARTCODE), CHAPTER 21.90 (SIGNAGE MODULE), TO MODIFY SIGNAGE STANDARDS AND TO ADD THE SMARTCODE SIGNAGE MODULE.**

Motion passed.

10. Discussion and action on a Resolution authorizing the City Manager to sign the First Amendment to the Developer Participation Agreement between the City of El Paso and Ranchos Real VIII, LTD. in order to allow the developer to pay to the city the value of the construction cost of the improvements in lieu of construction of the improvements.
Staff Contact: Raul Garcia, (915) 212-1643, garciar1@elpasotexas.gov

Raul Garcia, Lead Planner, gave a case history on this item. He noted that on September 13, 2011, the Developer Participation Agreement was approved by City Council and on September 22, 2011, the Arcraft Estates Plat was recorded. When the time came to construct the improvements along Westside Road, the El Paso County Water Improvement District expressed some concerns regarding those improvements in regards to the effect it would have on the stability of the berm next to the lateral and did not approve those improvements. He noted that Section 19.15.030 of the Subdivision Code provides for the applicants to provide fees in lieu of improvements.

Commissioner Madrid asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner Perez, seconded by Commissioner Landeros, and unanimously carried to **APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE FIRST AMENDMENT TO THE DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF EL PASO AND RANCHOS REAL VIII, LTD. IN ORDER TO ALLOW THE DEVELOPER TO PAY TO THE CITY THE VALUE OF THE CONSTRUCTION COST OF THE IMPROVEMENTS IN LIEU OF CONSTRUCTION OF THE IMPROVEMENTS.**

Motion passed.

11. Planning Report:
CPC By-Laws

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Livingston, and unanimously carried to **POSTPONE THE CITY PLAN COMMISSION BY-LAWS FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF MARCH 25, 2016.**

Motion passed.

ADJOURNMENT:

Motion made by Commissioner Landeros, seconded by Commissioner Perez, and unanimously carried to adjourn this meeting at 4:25 p.m.

Approved as to form:

A handwritten signature in blue ink, appearing to read 'C. Gallinar', is written over a horizontal line.

Carlos Gallinar, Executive Secretary, City Plan Commission